

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA
BLUEFIELD DIVISION**

**JAMES E. GRAHAM II; DENNIS ADKINS;
ROGER WRISTON; and DAVID B. POLK;
on behalf of themselves and
others similarly situated; and
UNITED MINE WORKERS OF AMERICA
INTERNATIONAL UNION,**

Plaintiffs,

v.

CIVIL ACTION NO. 1:19-cv-00597

**JUSTICE ENERGY CO. INC.;;
KEYSTONE SERVICE INDUSTRIES, INC.;;
BLUESTONE COAL CORPORATION;
DOUBLE-BONUS COAL CO.; and
SOUTHERN COAL CORPORATION,**

Defendants.

JOINT STATUS REPORT

On December 11, 2020, the parties in the above-captioned case filed a “Joint Status Report.” In that Report, the parties represented to the Court that most, if not all, claims for unpaid medical bills had been informally resolved. The parties asked for additional time to allow Defendants to process a small number of outstanding claims. The parties agreed to provide the Court with another status report by January 29, 2021.

Without waiving any claims or defenses, the parties believe that this informal process continues to bear fruit and the parties have continued to make progress in resolving claims. In fact, the parties believe that nearly all of the existing claims for unpaid medical bills have been resolved.

Following the parties’ Joint Report on August 28, 2020, Plaintiff’s counsel contacted all of the Plaintiffs in this case by mail to ask them to confirm or dispute whether their claims had been paid. Plaintiffs’ counsel received reports from a small number of Plaintiffs regarding outstanding

claims. Plaintiffs' counsel forwarded these claims to Defendants for resolution. Defendants processed the remaining claims through their insurance carrier and Defendants believe that all outstanding claims have been paid. At this time, there is an issue with a single outstanding bill for a single individual plaintiff. The parties have discussed this issue and believe it will be resolved shortly.

The parties have also had conversations about other remaining issues in this case beyond unpaid medical bills. They request additional time to allow for discussions regarding final settlement of all remaining issues. The parties are hopeful that they can reach an agreement to resolve those issues and end this case. Once those discussions are concluded, but no later than March 5, 2021, the parties will submit another status report. If the parties are able to reach a final settlement agreement on or before that date, the parties will inform the Court of that agreement. If the parties are unable to reach a final settlement agreement, the parties will inform the Court about the nature of any unresolved issues.

Dated: January 29, 2020

Respectfully Submitted,

/s/ Kevin F. Fagan

Kevin F. Fagan, Esquire - WVSB No. 5216
United Mine Workers of America
18354 Quantico Gateway Drive, Suite 200
Triangle, Virginia 22172
(703) 291-2425
(703) 291-2448 (fax)
kfagan@umwa.org

Timothy J. Baker – Pro Hac Vice
United Mine Workers of America
18354 Quantico Gateway Drive
Triangle, VA 22172
(703) 291-2418
(703) 291-2448 (fax)
tjbaker@umwa.org

Counsel for Plaintiffs

/s/ Chris Schroeck

Chris Schroeck, Esq. (WV Bar #13686)

302 S. Jefferson Street

Roanoke, VA 24011

Phone: (540) 492-4080, x211

Cellular: (540) 986-5354

Fax: (540) 301-1370

chris.schroeck@bluestone-coal.com

Counsel for Defendants